

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOANNE L. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-00753-JD
)	
ANDREW M. SAUL,)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Joanne L. Johnson commenced this action seeking judicial review of the final decision of defendant Andrew M. Saul, Commissioner of Social Security Administration (“Commissioner”), denying her application for disability insurance benefits under the Social Security Act, 42 U.S.C. § 405(g). Consistent with 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court referred the case to United States Magistrate Judge Suzanne Mitchell.


On February 11, 2020, Judge Mitchell issued a Report and Recommendation that recommends that the Court reverse and remand the Commissioner’s decision for further proceedings. [Doc. No. 19]. Judge Mitchell concluded that substantial evidence does not support the administrative law judge’s (“ALJ”) residual functional capacity determination because the ALJ did not properly consider medical evidence relating to the plaintiff’s rheumatoid arthritis and the medical opinion of the plaintiff’s treating physician. [*See id.* at 5-10]. Judge Mitchell advised the parties of their right to object to the Report and

Recommendation by March 3, 2020, and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues contained in the Report and Recommendation. [*Id.* at 11].

The record reflects that no objection to the Report and Recommendation has been filed. The parties have therefore waived their rights to appellate review of the factual and legal issues in the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*”) (emphasis added); *see also Soliz v. Chater*, 82 F.3d 373, 375-76 (10th Cir. 1996) (deeming as waived arguments not raised as timely and specific objections to the magistrate judge’s report and recommendation where no interest of justice dictates lifting the appellate review bar).

Accordingly, the Court adopts the Report and Recommendation [Doc. No. 19], REVERSES the decision of the Commissioner, and REMANDS the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this Order. A judgment shall issue consistent with this Order.

IT IS SO ORDERED this 23rd day of March 2020.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE